IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos: 19659, 21836, 22108, 22765, 22829, 24582, 24633, 24643, 24669, 24892, 24926, 25322 of 2004,

975 and 2580 of 2005

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WRIT PETITION No: 19659 of 2004

Between:

1 Peddinit Pakeer Naidu, S/o. Rami Naidu,
R/o. Kusumuru (V), Terlam Mandal, Vizianagaram District.
2 Tentu Gowri Naidu, S/o. Pedapadanna,
R/o. Kusumuru (V), Terlam Mandal, Vizianagaram District.
3 Koduru Rami Naidu, S/o. Lakshmi Naidu,
R/o. Kusumuru (V), Terlam Mandal, Vizianagaram District.
4 Majji Lakshmi Naidu, S/o. Gunnam Naidu,
R/o. Kusumuru (V), Terlam Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Assistant Sugar Cane Commissioner, Bobbili, Vizianagaram District.
2 The District Collector, Vizianagaram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not permitting the petitioner to crush the sugar cane crop raised by them in their own lands by their own crushers by doing manpower, as arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India, and consequently direct the respondents not to interfere with the crushing activity of sugar cane by their own crushers in the interest of justice.

Counsel for the Petitioners: MR.KURITI BHASKARA RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

WRIT PETITION NO : 21836 of 2004

Between:

1 B. Appala Naidu, S/o. Laxmu Naidu,
Rejeru Vill, Badangi Mandal, Viziznagram District.
2 B. Satyam, S/o. Narayana,
Rejeru Vill, Badangi Mandal, Viziznagram District.
3 B. laxmu Naidu, S/o. Venkaunaidu,
Rejeru Vill, Badangi Mandal, Viziznagram District.
4 Reddy Swamy Naidu, S/o. Appala Swamy,
Rejeru Vill, Badangi Mandal, Viziznagram District.
5 M. Annam Naidu, S/o. Appanna
Rejeru Vill, Badangi Mandal, Viziznagram District.
6 B. Ramu, S/o. Narsam Naidu,
Rejeru Vill, Badangi Mandal, Viziznagram District.
7 M. Sangamesu, S/o. Ramawswamy,
Rejeru Vill, Badangi Mandal, Viziznagram District.
8 R. Suraiah, S/o. Narayana,
Rejeru Vill, Badangi Mandal, Viziznagram District.
9 M. Rami Naidu, S/o. China Babu,
Rejeru Vill, Badangi Mandal, Viziznagram District.
10 G. Taviti Naidu, S/o. Lat eAppanna,
Rejeru Vill, Badangi Mandal, Viziznagram District.
11 Ch. Appala Swamy, S/o. Late Ramanna,
Rejeru Vill, Badangi Mandal, Viziznagram District.
12 B. Ramulu, S/o. Potnuru
Rejeru Vill, Badangi Mandal, Viziznagram District.
13 B. Appala Swamy, S/o. China Babu,
Rejeru Vill, Badangi Mandal, Viziznagram District.
14 G. Satyam, S/o. Jagannatham
Rejeru Vill, Badangi Mandal, Viziznagram District.
15 R. Appala Naidu, S/o. Narasam Naidu,
Vadada Vill, Badangi Mandal, Vizianagaram District.
16 A. Shankar Rao, S/o. Peda Satham
Vadada Vill, Badangi Mandal, Vizianagaram District.S
17 A. Tirupati, S/o. Jagannatham,
Vadada Vill, Badangi Mandal, Vizianagaram District.
18 A. Satyanarayana, S/o. Shivannagari Narayana,
Nandigam village, Terlam Mdl, Vizianagaram District.
19 A. Gandharva Rao, S/o. Late Rangu Naidugari Dal Naidu,
Nandigam village, Terlam Mdl, Vizianagaram District.

20 A. Ramulu, S/o. Rangannagari Ramaswamy
Nandigam village, Terlam Mdl, Vizianagaram District.
21 A. Ramu, S/o. Krishnam Naidu,
Nandigam village, Terlam Mdl, Vizianagaram District.
22 K. Venkata Naidu, S/o. Sanyasi
Ramanna Agraharam Village, nandigam Post, Terlam Mandal,
Vizianagram District.
23 P. Appala Naidu, S/o. Papi Naidu,
Ramanna Agraharam Village, nandigam Post, Terlam Mandal,
Vizianagram District.
24 R. Appala Naidu, S/o. Satyam
Ramanna Agraharam Village, nandigam Post, Terlam Mandal,
Vizianagram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner, A.P., Hyderabad.
2 The Asst. Cane Commissioner & Licensing Inspector, Bobbili, Viziznagaram District.
3 The NCS Sugar Factory Ltd., rep. by its General Manager,
Lanchchaiahpeta, Bobbili, Viziznagaram District.
4 The District Collector, Viziznagaram, Viziangaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus, to direct the respondents 3 & 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioners lands, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass.

Counsel for the Petitioners: MR.BOMMINAYUNI APPARAO

Counsel for the Respondent Nos. 1, 2 & 4: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.3: Mr.S.J.Rao

WRIT PETITION NO : 22108 of 2004

Between:

1 Penta Jaggunaidu, s/o Ramu Naidu,
Kamannavalasa Village, Badangi Mandal, Vizianagaram District.
2 Jagarapu Ananda, S/o Sanyasa Naidu,

Lakshmipuram Village, Badangi Mandal, Vizianagaram District.
3 Ravipilli Satyam, S/o Late Appalaswamy,
R/o Jannavalasa Village, Terlam Mandal, Vizianagaram District.
4 Gandi Hari Prasad Rao, S/o Satyam.
Dondinivalasa Village, Badangi Mandal, Vizianagaram District.
5 Yegireddi Satyam, S/o Late Sivuni Naidu,
Terlam Village and Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Assistant Sugar Cane Commissioner, Bobbili, Vizianagaram District.
2 The District Collector, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in interfering to the petitioner's sugarcane crushers is bad and illegal, consequently direct the1st respondent not to interfere with the crushing activity of the petitioner in the interest of justice

Counsel for the Petitioners: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

WRIT PETITION NO : 22765 of 2004

Between:

1 V. Sriramulu, S/o. Rami Naidu,
G.K.R Puram Vill and Post, Badangi Mandal, Vizianagaram District.
2 T. Suryanarayana, S/o. Appala Swamy,
G.K.R Puram Vill and Post, Badangi Mandal, Vizianagaram District.
3 V. Appala Swamy, S/o. Kuminaidu,
G.K.R Puram Vill and Post, Badangi Mandal, Vizianagaram District.
4 A. Simhachalam, S/o. Poly Naidu,
G.K.R Puram Vill and Post, Badangi Mandal, Vizianagaram District.
5 G. Chinnappana, S/o. Sangam Naidu,
Rajaiahpeta, Terlam Mandal, Vizianagaram District.
6 T. Satyam, S/o. Kurmi Naidu,
Chinnaiahpeta Village, Terlam Post and Mandal, Vizianagram District.
7 A. Rami naidu, S/o. A. Narayana,
Amiti Village & Post, Terlam Mandal, Vizianagaram District.
8 K. Tirupati Rao, S/o. Appala Naidu,
Amiti Village & Post, Terlam Mandal, Vizianagaram District.
9 E. Pydipu Naidu, S/o. Appala Naidu,
Amiti Village & Post, Terlam Mandal, Vizianagaram District.

10 K. Jagannatham Naidu, S/o. Appalanarayana,
Amiti Village & Post, Terlam Mandal, Vizianagaram District.
11 S. Appala Swamy S/o. Lakshmi Naidu,
Kunayavalasa Village, Terlam Mandal, Vizianagaram District.
12 Smt. P. Simhachalam, W/o. Sivudu Naidu,
Locherla Village, Terlam Mandal, Vizianagaram District.
13 G. Tirupati, S/o.Chinnakannam Naidu,
Locherla Village, Terlam Mandal, Vizianagaram District.
14 B. Krishna, S/o. B. Narayana,
R/o. Lingapuram Village Terlam Mandal, Vizianagaram Dsitrict.
15 P. Venkat Naidu, S/o. Lingapuram Village,
R/o. Lingapuram Village Terlam Mandal, Vizianagaram Dsitrict.
16 G. Sivunnaiadu, S/o. Satyanaidu,
R/o. Janardhanavalasa Village, Baligipeta Mandal,

Vizianagram District.
17 G. Ramulu, S/o. Appala Naidu,
R/o. Kotipalli Village Badangi Mandal, Vizianagaram District.
18 G. Appala Naidu, S/o. Pydipu Naidu,
R/o. Kotipalli Village Badangi Mandal, Vizianagaram District.
19 M. Appala Naidu, S/o. Narayana,
R/o. Vadada Village, Badangi Mandal, Vizianagaaram District.
20 K. Narayana Naidu, S/o. Appala Naidu,
Antalavara Village, Terlam Mandal, Vizianagaram District.
21 K. Rami Naidu, S/o. Chinama Naidu,
Antalavara Village, Terlam Mandal, Vizianagaram District.
22 G.V. Satyanarayana, S/o. chinnapadu,
Antalavara Village, Terlam Mandal, Vizianagaram District.
23 A. Krishna Murthy Naidu, S/o. Sitannaidu,
Antalavara Village, Terlam Mandal, Vizianagaram District.
24 Ch. Satyam, S/o. Jagannadaham,
Terlam Village and Mandal, Vizianagaram District.
25 B. Narayana Rao, S/o. Swami Naidu,
R/o. Gagada Village, Balijipeta Mandal,
Vizianagaram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner, A.P., Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 The NCS Sugar Factory Ltd., rep. by its General Manager,
Lanchchaiahpeta, Bobbili, Vizianagaram District.
4 The District Collector, Vizianagaram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

Issue a writ, order or direction, more particularly one in the nature of writ of mandamus, to direct the Respondents 3 & 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioners lands, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass such other order or orders.

Counsel for the Petitioners: MR.BOMMINAYUNI APPARAO

Counsel for the Respondent Nos 1, 2 & 4: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.3: Mr. S.J.Rao

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WRIT PETITION NO : 22829 of 2004

Between:

1 Gorle Satyanarayana, S/o. Swami Naidu,
R/o. Pinnavalasa, Badangi Mandal, Vizianagaram District.
2 Gorle Ramulu, S/o. Swami Naidu,
R/o. Pinnalasa, Badangi Mandal, Vizianagaram District.
3 Reddi Bangari Naidu, S/o. Chinnam Naidu,
Gajarayanivalasa Vill, Badangi Mandal, Vizianagaram District.
4 Nalla Chinababu, Appala Naidu,
Gajarayanivalasa (V), Badangi Mandal, Vizianagaram District.
5 Bonu Krishnam Naidu, S/o. Appala Naidu,
Vizianagaram District.
6 Muddadla Narayana, S/o. Papi naidu,
Vizianagaram District.
7 Karanam Eswararao, S/o. Late Satyam,
8 Maradana Rami Naidu, S/o. Chinnam Naidu,
Vizianagaram Disitrict.
9 Bomminayuni Rami Naidu, S/o. China Appa;la Naidu, 60
Badangi Vill & Mandal, Vizianagaram District.
10 Yamala Ramu, S/o. Surapu Naidu,
Bheemavaram Vill, Badangi Mandal, Vizianagaram Dsitrict.
11 Latchipatula Tirupati Naidu, S/o. Appalaswamy,
Vizianagaram Dsitrict.
12 Korli Simhachalam, S/o. Surapu Naidu,
Badangi Mandal, Vizianagaram District.
13 Vangapandu Adiniaidugari Suryanarayana, S/o. Appalaswamy,
R/o. Paltheru Vill Badangi Mandal, Vizianagaram District.
14 Indugu Chandra Sekhararao, S/o. Bhavannarayana,
R/o. Paltheru Village, Badangi Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Asst. Sugar Cane Commissioner, Bobbili, Vizianagaram District.
2 District Collector, Vizianagaram District, Vizinagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order, or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in not permitting the petitioners to crush the sugar cane crop raised by them in their own lands by their own crushers by doing men power, as arbitrary, illegal, and violative of articles 14 and 19 of the constitution of India, consequently direct the respondents not to interfere with the crushing activities of sugar cane that is done by the petitioners by their own crushers in the interest of justice and pass just orders.

Counsel for the Petitioners: MR.KURITI BHASKARA RAO

Counsel for the Respondents: GP FOR AGRICULTURE

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WRIT PETITION NO : 24582 of 2004

Between:

1 Tentu Lakshmu S/o Late Appadu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
2 Matcha Ramanamurthy s/o Appalanaidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
3 Matcha Suryanarayana S/o Chinnamnaidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
4 Yamala Appalaswamy S/o Late Atchaiah
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
5 Tentu Sivunnaidu S/o late Gopaiahgari Appalaswamy
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
6 Yamala Kaminaidu s/o late Nandaiahgari Chinababu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
7 Tentu Chinnam Naidu S/o Sanyasinaidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
8 Tentu Satyam S/o Late Nukaiah
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.
9 Matcha Satyam S/o late Appalaswamy
R/o Mugada Village, Badangi Mandal,

Vizianagaram District.

10 Yamala Ramu S/o Late Yerakaiah
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

11 Tentu Seetham Naidu S/o Late Nukam Naidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

12 Matcha Swamy Naidu S/o late Sivan Nadiu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

13 Chappa Thaviti Naidu S/o late Ramana
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

14 Gullipalli Kurmam S/o Late Chenchaiah
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

15 Matcha Papai Naidu S/o Late China Babu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

16 Allu Atchutha Rao S/o Appala Naidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

17 Macha Appala Naidu S/o Late Chinnam Naidu
R/o Mugada Village, Badangi Mandal,
Vizianagaram District.

..... PETITIONERS

AND

1 The Asst. Sugar Cane Commissioner Bobbili, Vizanagaram District.
2 TheDistrict Collector, Vizianagaram District,
Vizianagaram
3 The Nizam Sugar Factory Ltd., rep.by its General Manager,
Lanchchajahpeta, Bobbili, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not permitting the petitioner to crush the sugar cane crop raised by them in their own lands by their own crushers by doing man power, as arbitrary, illegal and violative of Art. 14 and 19 of the constitution of India and consequently direct the respondents not to interfere with the crushing activity of sugar cane that is done by the petitioner by their own crushers in the interest of justice .

Counsel for the Petitioners: MR.T.RAJASEKHARA RAO

Counsel for the Respondent Nos.1 & 2: GP FOR AGRICULTURE

Counsel for Respondent No.3: Mr.S.J.Rao

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WRIT PETITION NO : 24633 of 2004

Between:

Matcha Ramana Murthy S/o Late Swamy Naidu
Mugada Village, Badangi Mandal, Vizianagaram District

..... PETITIONER

AND

1 The Asst. Sugar Cane Coimmissioner, Bobbili, Vizianagaram District
2 The District Collector, Vizianagaram District Vizianagaram
3 The Nizam Sugar Factory Ltd., rep by General Manager, Lanchchajahpeta, Bobbili, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in not permitting the petitioner to crush the sugar cane crop raised by me in my own land by my own crusher by doing man power, as arbitrary, illegal and violative of articles 14 and 19 of the Constitution of India and consequently direct the respondents not to interfere with the crushing activity of Sugar cane that is done by the petitioner by my own crusher in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.T.RAJASEKHARA RAO

Counsel for the Respondent Nos. 1 & 2: GP FOR AGRICULTURE

Counsel for the Respondent No.3 . Mr.S.J.Rao

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WRIT PETITION NO : 24643 of 2004

Between:

1 Gorle Sanyasaiah S/o Simhachalam
R/o Jami village, Jami Mandla, Vizainagaram District
2 Chukka Satyam S/o Achanna
R/o Venkatraju Palem Village, , Jami Mandla, Vizainagaram District
3 Chukka Achiyamma W/o Mutyalanaidu
R/o Venkatraju Palem Village, , Jami Mandla, Vizainagaram District
4 Siripurapu Yerrinaidu S/o Satyam,

R/o Venkatraju Palem Village, , Jami Mandla, Vizainagaram District

5 Jami Satyam S/o Ramamurthy
R/o Venkatraju Palem Village, , Jami Mandla, Vizainagaram District

6 Chalumuri Ramarao S/o Satyam
R/o Vennupadu, Jami Mandla, Vizainagaram District

7 Kakarlapudi Jagannadharaju S/o K.V.L. N. Raju
R/o Alamanda, Jami Mandla, Vizainagaram District

8 Y.V.S. Pratapa Rao S/o Nageswararao
R/o Veerabhadrapeta, L. Kota Mandal, Vizainagaram District

9 Jagarapu Sriramamurthy S/o Rambabu
R/o Pavada Village, Jami Mandal, Vizianagaram District

10 Jagarapu Yerni Babu S/o Ramu
R/o Pavada Village, Jami Mandal, Vizianagaram District

11 Reddy Appalanaidu S/o Krishna
r/o Jagaram village, Jami Mandla, Vizainagaram District

12 Kolupuri Suribabu S/o Krishnamma
r/o Jami village, Jami Mandla, Vizainagaram District

13 Varri Appanna S/o Ramu
R/o Jami Vizainaggaram District

14 Kolupuri Appanna S/o Simhachalam
R/o Jami Vizainaggaram District

15 Bulipilli Yerrinaidu S/o Somulu
R/o Telagapalem, H/o Bheemasinghi Jami Mandal, Vizanagaram District

16 Dadi Pentam Naidu S/o Ramamurthy
R/o Jaddetivalasa, Jami Mandal, Vizianagaram

17 Gorle Naribabu S/o Appalanaidu
R/o Talavaram, Jami Mandal, Vizainagaram District

18 Siriki Bapunaidu S/o Adinarayana
R/o Talavaram, Jami Mandal, Vizanigaram

19 Varri Tatababu S/o Dallappa
r/o Jami village, Jami Mandla, Vizainagaram District

20 Bobbili Abadham S/o Sominaidu
R/o Vizinigiri, Vizainagaram District

21 Ganta China Venkateswra Rao S/o Yerukanaidu
r/o Jami Agraharam, Vizianagaram Ditrict

22 Siriki Rama murthy S/o Gangunaidu
R/o Appannapalem H/o Jami, Vizainagaram District

23 Kammella Visweswarayya S/o Venkatapthiraju
R/o Tandrangi., jami Mandal, Vizainagaram District

24 Chalumuri Peda Sartyam S/o Ramulu
R/o Vennupadu, jami Mandal, Vizainagaram District

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner ate, Secretariat, A.P., Hyderabad

2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District

3 Sri Vijayarama Gajapathi Co-operative Sugar Ltd., rep by Managing Director Kumaram, Jami Mandal, Vizainagaram District
4 The District Collector, Vizainagaram District, Vizainagaram
5 The Executive Officer cum Secretary Gram Panchayat, Jami Villge, Jami Mandal, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering in our sugar cane crushing operations in our respective patta lands pending disposal of our representations as illegal, arbitrary apart from violation of Article 19(1)(g) of constitution and consequently direct the respondents to consider our representations and further direct the respondents not to interfere with our sugarcane crushing operations and to pass such other and further orders as deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.RAVI CHEEMALAPATI

Counsel for the Respondent Nos. 1, 2 & 4: GP FOR INDUSTRIES & COMMERCE

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WRIT PETITION NO : 24669 of 2004

Between:

1 Gundapa Sanjeeva Rao S/o Sri Chandra Rao
Annamrajupeta Post Jami Mandal vijayanagaram District.
2 Boni Appala Naidu S/o Ramaiah
Annamrajupeta Post Jami Mandal vijayanagaram District.
3 Boni Appala Naidu S/o Sanyasappadu
All the petitioner from 3 to 7 residents of Vilaskhanpalem Padmanabham Mandal
Visakhapatnam district.
4 Boni Appanna s/o Satyam
All the petitioner from 3 to 7 residents of Vilaskhanpalem Padmanabham Mandal
Visakhapatnam district.
5 Enninti Appanna S/o Pothuraju
All the petitioner from 3 to 7 residents of Vilaskhanpalem Padmanabham Mandal
Visakhapatnam district.
6 Boni Narsimhulu S/o Sanyasi

All the petitioner from 3 to 7 residents of Vilaskhanpalem Padmanabham Mandal
Visakhapatnam district.

7 Nalli Sanyasappadu S/o Suri
All the petitioner from 3 to 7 residents of Vilaskhanpalem Padmanabham Mandal
Visakhapatnam district.

8 Boni Akkiamma w/o Narayana
Annamrajupeta Post Jami Mandal vijayanagaram District.

9 Kaalla Srinu s/o Sanyasi Naidu
Maddi Village Padmanabham Mandal
Visakhapatnam District.

10 Kaalla Appala Trinadh Rao S/o Sri Chinnappadu S/o Appala Paidanna
Maddi Village Padmanabham Mandal
Visakhapatnam District.

..... PETITIONERS

AND

1 The Assistant Cane Commissioner Bobbili Licensing Authority under AP,. Jaggery Manufacturing Licensing Order 1975

2 Sri Vijayarama Gajapati Co-operative Sugars Limited
Bheemasinghi Rep.by its SCO at Konakonda
Jami Mandal Vijayanagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction and declare the action of respondents consequent upon the show cause notices in attempting to stall the cane crushing and cooking of jaggery by the petitioners as illegal, violative of Articles 14,19,21, 300 (A) of the Constitution of India and legal.

Counsel for the Petitioners: MR.T.JAGDISH

Counsel for the Respondent No.1: GP FOR AGRICULTURE

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WRIT PETITION NO : 24892 of 2004

Between:

1 Vakada Simhachalam] S/o.late Satyam
Badangi Mandal Vizianagarm Dist.

2 Kolli Appala Naidu S/o.late Appala Naidu
Badangi Mandal Vizianagarm Dist.

3 Bankuru Simhachalam S/o.Styam
Badangi Mandal Vizianagarm Dist.

4 Bobbili Krishna Murhty S/o.late Appala Naidu
Badangi Mandal Vizianagarm Dist.
5 Ravipalli Thaviti Naidu S/o.Ramana
Turlam Mandal, Vizianagarm Dist.
6 Gollapudu Venkata Suryanarayana S/o.late Suryanarayana
Turlam Mandal, Vizianagarm Dist.
7 Akkena Nukam Naidu S/o.Dali Naidu
Turlam Mandal, Vizianagarm Dist.
8 Pudi Tirupathi Rao S/o.Satyam Naidu
Turlam Mandal, Vizianagarm Dist.
9 Tenneti Venkata Rao S/o.T.V.Suryanarayana
Turlam Mandal, Vizianagarm Dist.
10 Deta Durgai Naidu S/o.Lakshmu Naidu
Turlam Mandal, Vizianagarm Dist.

..... PETITIONERS

AND

1 The Assistant Sugar Cane Commissioner, Bobbili Vizianagaram Dist.
2 The District Collector, Vizianagaram Dist.Vizianagaram Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in not permitting the petitioners to crush the sugar cane crop raised by them in their own lands by their own crushers by doing man power, as arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India and consequently direct the respondents not to interfere with the crushing activities of sugar cane that is done by the petitioners by their own crushers in the interest of justice.

Counsel for the Petitioners: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

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WRIT PETITION NO : 24926 of 2004

Between:

1 Rasilla Murali, S/o. Suri,
R/o. Paradi Village, Bobbili Mandal, Vizianagaram District.
2 K. Surya Rao, S/o. Laxmu Naidu,
R/o. Sistu Sitarampuram Village, Rama Badhra Puram Mandal,
Vizianagaram District.
3 A. Ramurthy, S/o. Kannayya,

R/o. Paradi Village, Bobbili Mandal, Vizianagaram District.

4 Kanimeraka Ramakrishna, S/o. Satyam,
R/o. Paradi Village, Bobbili Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 M/s. NCS Sugars Limited, Represented by General Manager, Latchayya Peta, Bobbili Mandal Vizianagaram District, Registered Office : 405, Minar Apartments, Deccan Towers, Basheer Bagh, Hyderabad.
2 M/s. NCS Sugars Limited, Represented by Group General Manager, Registered Office : 405, Minar Apartments, Deccan Towers, Basheer Bagh, Hyderabad.
3 The Assistant Cane Commissioner, Bobbili, Vizianagaram District.
4 The Mandal Revenue Officer, Bobbili Mandal, Vizianagaram District.
5 The Mandal Revenue Officer, Rambhadrapuram Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not permitting the petitioners to crush sugar cane crop raised by them in their own sugar cane lands, by their own crushers by the petitioners is arbitrary illegal and constitutional and consequently direct the respondent not, to interfere with the crushing activities of sugar cane i.e., being done by the petitioners by their own crushing units if necessary direct the 3rd respondent would suffer heavy loss and damage and to pass such other order or orders.

Counsel for the Petitioners: MR.TADDI.NAGESWARA RAO

Counsel for the Respondents 1 and 2 : Mr.S.J.Rao

Counsel for the Respondents 3 to 5 : GP FOR AGRICULTURE

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WRIT PETITION NO : 25322 of 2004

Between:

1 M. Tirupati Naidu, S/o Late Sivunnaidu,
2 P. Satyam, S/o China Appalanaidu,
Petitioners 1 and 2 are r/o Alajangi Village,Bobbili Mandal, Vizianagaram District.
3 M. Param Naidu, S/o Raminaidu,
4 D. Jagannadham, s/o Late Appala Naidu,
5 D. Dali Naidu, S/o Sivunnaidu,
Petitioners 3 to 5 are R/o Karada Village, Bobbili Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner, A.P. Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 The NCS Sugar Factory Ltd, rep. by its General Manager, Lanchchaiahpeta, Bobbili, Vizianagaram District.
4 The District Collector, Vizianagaram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of mandamus, to direct the Respondents 3 and 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioners lands, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass such other order or orders.

Counsel for the Petitioners: MR.BOMMINAYUNI APPARAO

Counsel for the Respondent Nos.1, 2 & 4: GP FOR AGRICULTURE

Counsel for respondent No.3: Mr.S.J.Rao

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WRIT PETITION NO : 975 of 2005

Between:

1 Allu Appalaswamy, S/o. Late Appalaswamy, R/o. Punta Village, Bobbili Mandal, Vizianagaram District.
2 Yamali Appalswamy, S/o. Late Ramana, R/o. Muguda Village, Badangi Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner, Andhra Pradesh, Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 The NCS sugar Factory Limited, Rep. by its General Manager, Lanchaiapeta, Bobbili, vizianagaram district.
4 The District Collector, Vizianagaram District, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, to direct the respondents 3 & 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioners lands, as illegal arbitrary and violation of principles of natural justices and consequently direct the 2nd respondent to consider the representation and to pass such other and further order or orders.

Counsel for the Petitioners: MR.KARRI SURYANARAYANA

Counsel for the Respondent Nos.1, 2 & 4: GP FOR AGRICULTURE

Counsel for respondent No.3: Mr.S.J.Rao

WRIT PETITION NO : 2580 of 2005

Between:

1 Ch. Appa Rao, S/o Late Demudu,
2 Ch. Satyam, S/o Sanni,
3 V. Narayana Murthy, S/o Suri,
4 Smt. V. Lakshmi, W/o Suryanarayana,
5 Ch. Bangaru Naidu, S/o Late Kondaiah,
6 P. Tata Babu, S/o Late Demudu,
7 S. Demudu, S/o Satyam,
8 V. Krishna, S/o Late Suri,
All are residents of Jami Village, Jami Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane Commissioner, Andhra Pradesh, Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 Sri Vijayarama Gajapathi Co-op Sugar Factory Ltd, Kumaram, Jami Mandal, Vizianagaram District, rep. by its Managing Director.
4 The District Collector, Vizianagaram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of mandamus, to direct the Respondents 3 and 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioners lands, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass such other order or orders as this Hon'ble

Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.BOMMINAYUNI APPARAO

Counsel for the Respondent Nos.1, 2 & 4: GP FOR INDUSTRIES & COMMERCE

The Court, at the stage of admission, made the following:

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COMMON ORDER:

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The petitioners in this batch of writ petitions are agriculturists, owning various extents of land in the district of Vizianagaram. Their lands are within the factory zone of Nizam Bobbili Sugar Factory. In the recent past, various sugar factories in the district of Vizianagaram were purchased by M/s NCS Sugars Limited and other private firms. There is some controversy as to the existence of agreements between the farmers and the sugar factory, in the matter of purchase of sugarcane.

Petitioners state that there do not exist any agreements for purchase or supply of sugarcane to the sugar factory, and they have undertaken crushing of sugarcane

produced by them, with a view to manufacture jaggery. It is alleged that the respondents are preventing them from undertaking such activities, without initiating any proceedings and without issuing any notices.

Heard learned counsel for the petitioners, learned Government Pleader for Industries and Commerce, and Sri S.J.Rao, learned standing counsel for NCS Sugars Limited.

The cultivation of sugarcane in a factory zone, and the rights and obligations of the farmers, *vis-à-vis,* the concerned sugar factory, are governed by the provisions of the Sugarcane Control Order. It provides for the existence of agreements, the liability of the factory to purchase, and issuance of instructions and directions by the cane growers from time to time. If there exists any agreements between the sugar factory and the farmers, the same needs to be given effect to. Even in the absence of agreements, the cane Commissioner is empowered to give instructions and directions from time to time regulating the supply of sugar. So far as the activity of manufacture of jaggery is concerned, it is controlled by the A.P. Jaggery Manufacturing Licensing Order. Clause 6 (a) thereof provides for seizure of the crusher or other equipment, in case, the activities are undertaken without licence. However, Clause 6 (b) thereof mandates that before taking any such action, the concerned authority shall issue a notice and conduct enquiry.

In none of the cases, the respondents have initiated proceedings against the petitioners, either under the Sugarcane Control Order or under the Jaggery Manufacturing Licensing Order. There cannot be any justification for the respondents in interfering with the activities of the petitioners, without initiating proceedings.

For the foregoing reasons, the writ petitions are disposed of, directing that the respondents shall not interfere with any activity of the petitioners, except by issuing notices as contemplated under the Sugarcane Control Order or the Jaggery Manufacturing Licensing Order. If the respondents have seized any machinery or agricultural produce, the same shall be returned forthwith. In case, the respondents feel that any of the petitioners need to be proceeded against, they should do so, only

in accordance with the relevant provisions of law. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21.02.2005

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To

1 The General Manager, M/s. NCS Sugars Limited, Latchayya Peta, Bobbili Mandal Vizianagaram District, Registered Office : 405, Minar Apartments, Deccan Towers, Basheer Bagh, Hyderabad.
2 The Group General Manager, M/s. NCS Sugars Limited, Registered Office : 405, Minar Apartments, Deccan Towers, Basheer Bagh, Hyderabad.

3 The General Manager, NCS Sugar Factory Ltd., Lanchchaiahpeta, Bobbili, Viziznagaram District.

4 The SCO atKonakonda, Sri Vijayarama Gajapathi Co-operative Sugar Ltd., Bheemasinghi, Jami Mandal, Vizainagaram District

5 The Commissioner of Sugar & Cane Commissioner, A.P., Hyderabad.
6 The Assistant Sugar Cane Commissioner and licencing Inspector, Bobbili, Vizianagaram District.
7 The Mandal Revenue Officer, Bobbili Mandal, Vizianagaram District.
8 The Mandal Revenue Officer, Rambhadrapuram Mandal, Vizianagaram District.

9 The Managing Director Kumaram, Sri Vijayarama Gajapathi Co-operative Sugar Ltd., Jami Mandal, Vizainagaram District

10 The Executive Officer cum Secretary Gram Panchayat, Jami Village, Jami Mandal, Vizianagaram District

11 2 CCs to the Government Pleader for Industries and Commerce, High Court

Buildings, Hyderabad.

12 2 CCs to the Government Pleader for Agriculture, High Court Buildings, Hyderabad.

13. **2 CD copies**

14. **The District Collector, Vizianagaram District, Vizianagaram.**